

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA

PATRICK J. DUGGAN, : CIVIL ACTION – LAW

Plaintiff

v. :

DIOCESE OF HARRISBURG,
BISHOP KEVIN RHOADES and :
BISHOP RONALD W. GAINER,

Defendants : NO. _____

COMPLAINT

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PATRICK J. DUGGAN, : CIVIL ACTION – LAW

Plaintiff

v. :

DIOCESE OF HARRISBURG, BISHOP
KEVIN RHOADES and BISHOP RONALD :
W. GAINER,

Defendants : NO. _____

COMPLAINT

A. PARTIES:

1. Plaintiff, PATRICK J. DUGGAN is an individual who resides in Pennsylvania. He was a minor, beginning at age 13 when he was provided alcohol and drugs and forcibly sexually assaulted and raped by his history teacher at St. Francis of Assisi Catholic School, RONALD STEWART.

2. Defendant, DIOCESE OF HARRISBURG (hereinafter DIOCESE), collectively with BISHOP KEVIN C. RHOADES and BISHOP RONALD W. GAINER (hereinafter “DIOCESAN DEFENDANTS”) is a non-profit organization with its principal offices located at 4800 Union Deposit Road, Harrisburg, Dauphin County, Pennsylvania, 17111; doing business as an organized religion including but not limited to the ownership, management and operation of parishes and Catholic schools within various counties, including: Adams; Columbia; Cumberland; Dauphin; Franklin; Juniata; Lancaster; Lebanon; Mifflin; Montour; Northumberland; Perry; Snyder; Union and York.

3. Bishop KEVIN C. RHOADES is currently the Bishop of Fort Wayne-South Bend, Indiana, residing at 915 S. Clinton Street, Fort Wayne, IN 46802. He served as Bishop of the Diocese of Harrisburg from 2004 to 2010.

4. BISHOP RONALD W. GAINER is an individual and the current Bishop of the Diocese of Harrisburg, having been appointed to serve in this capacity in 2013. He resides at 4800 Union Deposit Road, Harrisburg, Dauphin County, Pennsylvania, 17111.

5. RONALD STEWART (hereinafter STEWART) was employed by the DIOCESE as a history teacher at St Francis of Assisi Catholic School, located on Market Street in Harrisburg, Dauphin County, Pennsylvania, when the grooming process began. Plaintiff was provided with drugs and alcohol when the sexual assaults began.

6. The Bishops of the DIOCESE, by virtue of their office were empowered by the DIOCESE to supervise and control all Diocesan employees and/or agents, including Defendant STEWART, all Diocesan properties and entities, including parishes and schools, and various other Diocesan entities located in the various counties covered by the DIOCESE.

7. Bishop George L. Leech, served as Bishop of the DIOCESE OF HARRISBURG for the years 1935 through 1971, and died on March 14, 1985; Bishop Joseph T. Daley, served as Bishop of the DIOCESE OF HARRISBURG for the years 1971 through 1983, and died on September 2, 1983; Bishop William H. Keeler, served as Bishop of the DIOCESE OF HARRISBURG for the years 1983-1989, and died March 23, 2017; Bishop Nicholas C. Dattilo, served as Bishop of the DIOCESE OF HARRISBURG for the years 1990-2004, and died March 5, 2004; Bishop Joseph McFadden served as Bishop of the DIOCESE OF HARRISBURG for the years 2010-2013, and died May 2, 2013.

8. Non-party, the Vatican is an independent state, and as such enjoys sovereignty under the exclusive jurisdiction of the Holy See. The Vatican as led by each pope for the times relevant to this complaint also acted in concert with the other entities and individuals as identified herein.

B. RELATIONSHIP BETWEEN THE PARTIES

9. The appointed bishop of the DIOCESE is responsible for assigning, transferring and/or suspending all clergy within the DIOCESE. Clergy serve at the Bishop's pleasure and are subject to their authority.

10. DIOCESAN DEFENDANTS were in a superior position to receive sensitive information regarding immoral and criminal conduct pertaining to STEWART and other teachers, priests and employees that was of critical importance to the wellbeing of Plaintiff and other children, knowledge not otherwise available to the Plaintiff or the public.

11. Defendants explicitly and implicitly through their words, actions and teachings represented to the Plaintiff that each of its priests, nuns and teachers, including STEWART were benevolent

and trustworthy stewards of the church who would only act in the best interests of the children whom they served.

12. The priests, nuns and teachers together taught Plaintiff discipline and respect for his religion and each individual who assisted in his Catholic education.

13. Through their words and deeds, the DIOCESE invited and encouraged the Plaintiff to accept each priest, seminarian, deacon, nun and teacher assigned to positions within the DIOCESE to be in good standing, including STEWART, as individuals who were worthy of and who had the responsibility for Plaintiff's physical and spiritual safety, thereby inducing Plaintiff to entrust himself to the company and care of STEWART, and to subject himself to his instructions and influence while on church or school property and/or in his accompaniment.

14. As a result of his position as Plaintiff's classroom teacher, STEWART was able to learn private and personal information about Plaintiff and his family that made him a more vulnerable target for STEWART'S grooming; information that he could not have otherwise obtained but for his position as his classroom teacher and the corresponding trust Plaintiff placed in him.

15. As a result of his position as Plaintiff's classroom teacher STEWART was able to use the facilities of the school to further his sexual and criminal conduct with Plaintiff.

16. At all times material herein Plaintiff and his parents entrusted his wellbeing to the DIOCESE, its school administrators, nuns, and teachers, including STEWART who were responsible for providing a safe school environment. Each had a corresponding obligation to be solicitous for, as well as protective of the Plaintiff in the exercise of their positions of trust, confidentiality and moral authority.

17. A confidential and fiduciary relationship existed between the DIOCESE, its bishops, priests, school administrators and nuns, including the Plaintiff.

18. DIOCESE and each Bishop of the DIOCESE, its priests, school administrators and nuns owed a secular duty to Plaintiff grounded upon the duty of good faith and fair dealing, to act with the highest degree of trust and confidence. This relationship included the duty to warn, disclose and protect parish children and students from sexual abuse and exploitation by clerics and others associated with the church whom Defendants promoted as being chaste, moral and fit for their positions.

19. The DIOCESAN DEFENDANTS and each Bishop of the DIOCESE solicited funds

from the parishioners of its parishes and school attendees through assessments, direct appeals and/or tuition, which was a primary incentive to focus on the reputation of the Church to the detriment of all other priorities.

20. The Vatican, as the governing body of the Church, was responsible for, among other things, maintaining the safety and wellbeing of members of the Church and oversight of all dioceses, clergy and appointed church leaders.

C. FACTS SPECIFIC TO PLAINTIFF

21. PATRICK J. DUGGAN was born on February 14, 1961. During the periods he was exposed to alcohol, drugs and sexually abused and violently raped, he was a minor between the ages of 13 and 17.

22. At all times material herein the Plaintiff and his family were members of St. Francis Of Assisi Church.

23. At all times material herein, Plaintiff attended St. Francis of Assisi Catholic School.

24. Plaintiff was one of ten children born to a religious Irish Catholic family, all of whom attended St. Francis of Assisi Church and St. Francis of Assisi Catholic School.

25. Plaintiff was an altar boy at St. Francis of Assisi Church from 1971 to 1975.

26. Plaintiff played basketball on the church/school team at St. Francis of Assisi.

27. Following graduation from St. Francis of Assisi grade school, Plaintiff attended Bishop McDevitt Catholic High School.

28. Plaintiff first met RONALD STEWART in September, 1974. STEWART was his history teacher at St. Francis of Assisi. STEWART became friendly with Plaintiff and a number of the other boys in his history class. It was during classroom instruction and following class that STEWART began the grooming process to win the friendship with Plaintiff and some of the other male students.

29. Plaintiff and a number of his friends, all boys, were invited to the home of STEWART following classes.

30. STEWART'S home adjoined the playground at St. Francis of Assisi Catholic School, separated only by a fence, and was directly across the street from St. Francis of Assisi Catholic Church.

31. At various times while at the STEWART home, Plaintiff and other male students from

St. Francis of Assisi Catholic grade school were provided with alcohol, marijuana and hallucinogenic drugs.

32. Plaintiff began visiting STEWART almost on a daily basis following class, as did many of the other male students. These visits by multiple students were (or should have been) open and obvious to the priests, nuns, school administrators, staff and other lay teachers who traversed between the school, church, rectory and administration offices, as well as the staff that supervised the grade school playground.

33. Plaintiff found this repeated exposure to alcohol and various types of drugs became addictive.

34. It was in a state of intoxication that STEWART had an opportunity when the two were alone, to sexually assault Plaintiff. Plaintiff found himself naked in STEWART'S bed, while STEWART was performing oral sex upon him.

35. The addictive nature of the drugs and alcohol upon a 13 year old resulted in the escalation of the sexual assaults and included mutual fondling, oral sex and ultimately the rape of Plaintiff.

36. The criminal acts of STEWART referenced above occurred on countless occasions over a period between 1974 and 1978.

37. When it became apparent that Plaintiff was suffering from serious psychological problems requiring inpatient treatment, Plaintiff's parents learned of their son's exposure to alcohol and drugs provided by his grade school teacher, STEWART. They reported STEWART to the parish priest at St Francis of Assisi.

38. Plaintiff subsequently also personally informed the parish priest at St. Francis of Assisi of the crimes committed against him by his grade school teacher.

D. KNOWLEDGE AND NOTICE TO THE DEFENDANTS AND EACH BISHOP OF THE DIOCESE OF THE SEXUAL ABUSE OF CHILDREN; OF THE EPIDEMIC CRISIS OF CLERGY SEXUAL ABUSE OF CHILDREN WITHIN THE HARRISBURG DIOCESE AND THE ROMAN CATHOLIC CHURCH

39. STEWART was not asked back as a teacher at St. Francis of Assisi School following the 1974-1975 school year. It is believed and therefore averred that this failure to request

STEWART to return to teach was because the school administrators and the parish had received notice of the criminal conduct of STEWART involving children attending the school and/or parish. Further, Church, school officials and staff would have actual notice of the unusual actions of numerous boys going in and out of the teacher's home after school, as stated above.

40. Although not asked back to teach at St. Francis of Assisi school, STEWART continued to teach young people in the Harrisburg School District, apparently because the DIOCESE and school officials chose not to alert the school district of information that came to their attention concerning STEWART and his sexual interest in children, and that he was providing students with drugs and alcohol.

41. It is believed and therefore averred that Defendants failed to notify the police, the district attorney's office and/or child welfare authorities upon learning of STEWART'S sexual interest in children and that he was providing students with drugs and alcohol.

42. DIOCESAN DEFENDANTS and other Bishops of the DIOCESE were familiar with the acute problem of numerous priests, seminarians, deacons, teachers, nuns and other employees sexually violating children within the DIOCESE.

43. Prior to Plaintiff's exposure to STEWART as his grade school teacher, and thereafter, including the period while Plaintiff was still being sexually abused, the DIOCESE and each of its bishops were on notice of a policy wherein for the sake of the reputation of the Church and its schools, known child predators, whether priests, seminarians, nuns, deacons or teachers were protected from disclosure, with all information concerning their crimes against children hidden within the Church's secret archive records.

44. Prior to Plaintiff's exposure to STEWART as his grade school teacher, and thereafter, including but not limited to the period Plaintiff was still being sexually abused, it is believed and therefore averred that the DIOCESE and each of its bishops were on notice of a policy wherein for the sake of the reputation of the church and its schools known child predators, whether priests, seminarians, nuns, deacons or teachers were protected from being reported to police, district attorneys and/or child welfare authorities.

45. Prior to Plaintiff's exposure to STEWART as his grade school teacher, and thereafter, including but not limited to the period Plaintiff was still being sexually abused, it is believed and therefore averred that the DIOCESE and each of its bishops had a policy of purposely not informing other potential employers, including school districts and schools of their knowledge of former

employees, both clerical and lay persons, who committed crimes against children, as a means of limiting the DIOCESE'S legal exposure and to protect the reputation of the church.

46. At the initiation of the Pennsylvania Attorney General's office, an investigation of six Dioceses within Pennsylvania was conducted, followed by the release of the 40th Statewide Investigation Grand Jury Report (Redacted) (hereinafter "GJR"), publicly released on August 14, 2018. Said report is an official document, produced by the Court appointed Pennsylvania Grand Jury. Accordingly, the 887 page report is not attached, in accordance with Pa.R.C.P. 1019 (d).

47. The GJR revealed over 300 child predator priests within six Pennsylvania dioceses. Because of the massive number of priests identified as child predators, and the systematic failure and complicity of the Bishops and other church officials to protect children placed in harm's way due to their concern for the reputation of the church, this report and the Attorney General's news conference received and continues to receive nationwide publicity, in newspapers, television, radio, internet, digital and social media stories.

48. The GJR revealed that: " ... the dioceses developed consistent strategies for hiding child sex abuse." (Report pg. 297.) "Only bishops and certain high-level diocesan administrators knew, and they held this information within secret or confidential archives of the diocese." (Report, pg. 298).

49. The GJR revealed that "The Bishops weren't just aware of what was going on; they were immersed in it. And went to great lengths to keep it secret." (Report, pg. 300).

50. The GJR found that "Pennsylvania Dioceses routinely hid reports of child sex abuse crimes while the statute of limitations for those crimes expired." (Report, pg. 307).

51. Records of all Dioceses including Defendant DIOCESE involving sexual crimes were, and routinely are destroyed.

Pursuant to Roman Canon Law, Canon 489 §2:
Each year documents of criminal cases concerning moral matters are to be destroyed whenever the guilty parties have died, or ten years have elapsed since a condemnatory sentence concluded the affair. A short summary of the facts is to be kept, together with the text of the definitive judgment.

52. Despite the surprise raid on the offices of the DIOCESE by agents of the

Attorney General's office seeking to secure records, it is likely complete records were not obtained from the DIOCESE'S secret archives, revealing an accurate number of children sexually assaulted and/or raped who reported their assaults or the true number of child predator priests due to the destruction of records pursuant to the Code of Roman Canon law and otherwise.

53. Further, the records within the secret archives used coded language, known to the conspirators identified herein, but unclear to the lay reader.

54. The GJR reveals that "Until not too long ago the church was actively and systematically concealing clergy sex abuse. Victims didn't know if their attackers had a history of abuse, and they didn't know the dioceses had been enabling abuse"; and could not have exercised their right to sue when the people responsible are doing their best to cover up their complicity. (Report, pg. 309).

55. Defendant, BISHOP RONALD GAINER publicly issued a statement on or about August 1, 2018, having received an advanced copy of the redacted GJR, stating on behalf of the DIOCESE OF HARRISBURG that the DIOCESE will remove every bishop's name since 1947 from buildings because his predecessor bishops failed to root out child sexual abuse. He then released the names of 71 priests accused of sexually molesting children. This statement and his corresponding actions are admissions confirming that DIOCESE and each of his predecessor bishops conspired to fraudulently conceal the sexual abuse of children and protected child predators within the DIOCESE.

56. Upon reading, seeing, and hearing about the GJR, and related news stories that followed, Plaintiff for the first time learned of the DIOCESE OF HARRISBURG'S and its bishops long history of protecting child predators at the expense of innocent and vulnerable children such as himself; and indeed the child sexual abuse crisis in dioceses throughout the United States and other countries.

57. Until learning this information, Plaintiff had no reason to believe that those individuals in the position of teaching him morality and religion were complicit in protecting child molesters and rapists, moving them from assignment to assignment, and actively participating in the cover-up of crimes against children, including releasing false and misleading public statements.

58. Although the Grand Jury Report did not address the sexual abuse of children by lay teachers, in Catholic Schools, the policy of the DIOCESAN DEFENDANTS and their predecessor bishops, dioceses throughout Pennsylvania of protecting child predators became clear to the Plaintiff and undoubtedly the public.

59. DIOCESE and its bishops knew from experience that priests and employees who seek sexual gratification from children would inevitably continue to use their positions to engage in illegal, immoral and harmful acts with children, despite promises and assurances to the contrary, and regardless of the age of these child molesters, and nevertheless reassigned them to positions with access to vulnerable children.

60. Defendants had an accumulation of knowledge of the sexual abuse of children by their servants, which they kept from Plaintiff and the public, and the resulting dire lifetime effects of this abuse on children.

SYSTEMIC FRAUDULENT CONCEALMENT

61. DIOCESE and then Bishop Joseph T. Daley, knew or should have known of the deviant sexual interest in children of STEWART before or while Plaintiff was being sexually violated, but concealed said knowledge.

62. DIOCESE, and each of its bishops and all co-conspirators herein identified and adopted a policy of covering up sexual crimes against children by its priests and employees, knowing it would result in the belief by these child predators that such deviant acts would be tolerated within the church, and that at best their crimes would be ignored and at worse they would be reassigned to another position within the diocese.

63. Following receipt of allegations of sexual abuse of children and the providing of alcohol and drugs to minors by STEWART, DIOCESE and Bishop Daley and his successor bishops of the DIOCESE failed to notify other school districts, potential employers, police, the district attorney's office or child welfare authorities of STEWART'S danger to children.

64. The Vatican abdicated its responsibilities to require all bishops to implement policies and procedures that would protect members of the flock; particularly vulnerable and innocent children.

65. In furtherance of their own interests, including the continued financial support of

parishioners and the parents of students, the primary concern of DEFENDANTS and each Bishop of the DIOCESE for decades has been the protection of the reputation of its priests and employees, including STEWART.

66. Defendant and each Bishop of the DIOCESE as a part of the conspiracy systematically concealed the danger that child predator clerics, seminarians and teachers (employees) of the DIOCESE generally and STEWART specifically, by misrepresenting DIOCESE clerics and employees in at least the following ways:

- (a) Enabling their continued unrestricted access to children;
- (b) Assigning them and/or allowing them to reside and serve at parishes, schools and hospitals within the DIOCESE;
- (c) Allowing them free and unrestricted use of the premises of the DIOCESE, including parish schools, and parish rectories to engage in unchaperoned activities with children;
- (d) Assigning them to duties specifically involving minors;
- (e) Assigning them to duties at charitable functions where children were under their direct supervisions;
- (f) Announcing to the public, and/or allowing offending clerics to give the public less disagreeable or less serious reasons for leaving an assignment or position other than sexual misconduct with children;
- (g) Failing to notify the parents of children at new parish assignments of the predator priests' prior criminal acts against children;
- (h) Privately assuring concerned parents that the offending clerics' problems would be "taken care of" in return for their silence;
- (i) Giving misleading and false statements to parishioners that priests sent away for treatment for pedophilia and other sexually deviant problems were "on leave", "on sick leave" or "on sabbatical"; and
- (j) Transferring abusive priests to "restricted" ministerial positions without notifying parishioners or the parents of students of the predators' abusive history, thus creating new environments for the abuse of children.

67. These practices by DIOCESE and its Bishops created the misperception

in the mind of the Plaintiff and his family that he was safe with the nuns, the teachers and priests in general and with STEWART in particular, and that if there was conduct about which Plaintiff or Plaintiffs family might be concerned, it was an isolated instance of spurious conduct, when in fact the Plaintiff was the victim of a known and preventable hazard that the DIOCESE and its Bishops had created and allowed to continue.

68. The DIOCESE and its Bishops responded, if at all, to incidents or complaints of sexual abuse of minors by Diocesan priests, teachers and other employees by "counseling" the perpetrator and transferring him geographically, with the intention of protecting the reputation or image of the DIOCESE and their priests and brothers.

69. On discovery of an offending cleric's, teacher's or other employees' sexual misconduct with children, Defendants systematically concealed said knowledge, failed to report the misconduct to authorities, and prevailed upon others not to report said misconduct to law enforcement officials.

70. DIOCESE and its bishops aided and abetted the concealment of criminal conduct by knowingly failing to report to criminal or civil authorities allegations of sexual abuse of children by priests, seminarians and teachers generally and STEWART specifically.

71. When confronted, DIOCESE and its Bishops falsely assured the general public, parishioners, parents, and law enforcement authorities that they would responsibly deal with offending clerics; falsely promising meaningful reviews/investigations and other measures to prevent further harm to children.

72. The factual information as to the Defendants' legal culpability obtained by the Plaintiff as a result of the release of the Pennsylvania Grand Jury Report and related news coverage on and after August 14, 2018, could not have been obtained by Plaintiff earlier, despite the exercise of the utmost due diligence, since this information was known only to the DIOCESE and each of its Bishops, and purposely hidden away in the "secret archives" of the DIOCESE.

INJURIES and DAMAGES

73. As a direct result of the Defendants' fraud and conspiracy to mislead, conceal, and remain silent when they had a duty to honestly speak and inform, Plaintiff has

experienced a loss of faith; a loss of trust in the leadership of DIOCESE officials; and a loss of trust in men.

74. As a direct result of their fraud, the Defendants enabled priests and employees to sexually abuse children. By fraudulently denying parishioners including Plaintiff information about the sexual abuse crisis, Defendants exposed parishioner children to priests and employees who were known sexual predators.

75. As a direct result of the systemic protection of child predators within the Roman Catholic Church, at the expense of children, as revealed by the intentional conduct of Defendants, the Vatican and various Popes in their conspiracy and fraudulent acts, Plaintiff has suffered the emotional impact of the loss of comfort and protection that the church at one time afforded him; replaced by anger and disgust.

76. As a direct result of the Defendants' intentional conduct as described herein, the Plaintiff sustained both physical and emotional injuries, including the following:

- (a) Humiliation, embarrassment, loss of self-esteem, disgrace, shame, and guilt;
- (b) Physical shock to the nervous system and emotional distress upon learning from reading the Pennsylvania Grand Jury's Report of the betrayal of his trust by the DIOCESE and its Bishops;
- (c) Aggravation and/or exacerbation of the pre-existing mental anguish and trauma experienced at the hands of his abuser, upon learning from reading the Pennsylvania Grand Jury's Report of the DIOCESE'S role in protecting its predator priests;
- (d) Severe mental anguish and trauma, necessitating psychiatric and medical care and treatment in the past, present and/or in the future;
- (e) Headaches, nausea, and loss of sleep upon learning from reading the Pennsylvania Grand Jury's Report of the Defendants' active involvement in protecting and encouraging by their inaction priests known to them be serial child molesters;
- (f) A loss of enjoyment of life; and
- (g) A loss of earnings and earning capacity during those periods Plaintiff was unable to work due to traumatization and may in the future be unable to work.

77. As a result of the aforesaid, Plaintiff has required and in the future likely will require psychological counseling and therapy.

78. Plaintiff has incurred thousands of dollars in expenses to receive the necessary counseling and treatment described above, in addition to the lost time and expense of traveling to appointments much to his financial loss.

79. As a result of the strategy employed by the DIOCESE and its Bishops to mislead, conceal and conspire to keep secret their knowledge of sexually abusive priests, teachers and employees, Plaintiff and others like him were prevented from filing civil claims years earlier against the priests that abused them and all those complicit in the cover up and protection of child predators.

COUNT ONE

FRAUD

Each of the preceding paragraphs are incorporated herein by this reference thereto.

80. The social policy of protecting children imposed upon DIOCESAN DEFENDANTS all Catholic Bishops and the Vatican the duty to disclose their knowledge of the extensive problem of pedophile priests, seminarians, nuns, and teachers within the DIOCESE and the Roman Catholic Church.

81. DIOCESE and each of its serving Bishops had a duty to disclose information for the protection of its parishioners, and instead intentionally engaged in a course of conduct intended to deceive Plaintiff, his parents, other parishioners, and the public for the sole purpose of protecting the reputation of the DIOCESE and its priests.

82. DIOCESE and each of its appointed Bishops intentionally deceived Plaintiff and other parishioners by telling them through school courses, sermons, and lectures to trust and respect their priests, seminarians, nuns and teachers while at the same time, not telling them about the dangers of pedophile priests and employees within the Diocese.

83. DIOCESAN DEFENDANTS falsely led Plaintiff and the public to believe, through their teachings and public statements, that they would never expose children to immoral conduct or immoral people.

84. The suppression of the identity, until this year, of approximately seventy-one (71)

pedophile priests within the DIOCESE was a fraudulent scheme to prevent the filing of criminal and civil complaints against DIOCESAN DEFENDANTS, its bishops and the child predators they employed.

85. It was not until the release of the Grand Jury's Report that Plaintiff discovered DIOCESAN DEFENDANTS' fraud, and their complicity in a course of conduct designed to conceal massive numbers of child predators within the DIOCESE.

86. As a direct and proximate result of the DIOCESAN DEFENDANTS' conduct in concealing, suppressing and distorting their knowledge of the major problem of child predator priests within the DIOCESE, Plaintiff suffered injuries and damages as enumerated above.

WHEREFORE, Plaintiff seeks compensatory damages against Defendants jointly and severally in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs. Plaintiff further seeks punitive damages as a result of the intentional, willful, outrageous, reckless and deliberately indifferent conduct of Defendants, jeopardizing the health, safety and welfare of children and parishioners in general and the Plaintiff in particular.

A Jury Trial is hereby demanded.

COUNT TWO
CONSTRUCTIVE FRAUD

87. Each of the preceding Paragraphs are incorporated herein by this reference thereto.

88. As detailed above, Plaintiff had a relationship of trust and confidence in DIOCESE and each Bishop of the DIOCESE and the Roman Catholic Church.

89. DIOCESAN DEFENDANTS used their special and superior position to assume control of knowledge and information about the serious and sweeping problem of child predators within the Diocese, information which was not available to the Plaintiff or the public until the release of the Grand Jury's Report.

90. Plaintiff on the other hand was in a subordinate position of weakness, inequality and without such information because of the DIOCESAN DEFFENDANTS' success in keeping critical information from the public.

91. The ability of Plaintiff to monitor the use or misuse of power and authority of

DIOCESAN DEFENDANTS in acting upon or responding to such knowledge was purposely compromised, inhibited and restricted by DIOCESAN DEFENDANTS.

92. DIOCESAN DEFENDANTS and each Bishop of the DIOCESE, including retired Bishops betrayed their duty owed to Plaintiff as a result of the special, confidential and fiduciary relationship that existed between them by their acts and fraudulent misrepresentations.

93. DIOCESAN DEFENDANTS and each bishop of the DIOCESE, including retired bishops, engaged in a course of conduct to intentionally deceive and mislead, thereby preventing Plaintiff from learning the facts constituting the constructive fraud.

94. DIOCESAN DEFENDANTS and each bishop of the DIOCESE, including retired bishops, intended their constructive fraud to shield the church and the DIOCESE from scrutiny, to ensure that membership and church attendance was not diminished, thereby benefiting the DIOCESE and individual parishes financially, while maintaining their reputation.

95. Plaintiff's claim did not accrue until he discovered that DIOCESAN DEFENDANTS had betrayed his trust by concealing their knowledge of the dangers of pedophilia within the DIOCESE OF HARRISBURG, and the enormous number of pedophile priests within the DIOCESE, as revealed by the Grand Jury's Report.

96. The above described fraud and conspiracy in addition to purposely deceiving the Plaintiff and the public was intentionally devised and implemented to lull Plaintiff and other child sexual abuse survivors into a false sense of security, so they would not investigate or even question their church, thereby delaying the possibility to file a civil claim before the expiration of the statute of limitations.

WHEREFORE, Plaintiff seeks compensatory damages against Defendants jointly and severally in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs. Plaintiff further seeks punitive damages as a result of the intentional, willful, outrageous, reckless and deliberately indifferent conduct of Defendants, jeopardizing the health, safety and welfare of children and parishioners in general and the Plaintiff in particular.

A Jury Trial is hereby demanded.

COUNT THREE
CONSPIRACY

97. Each of the preceding paragraphs are incorporated herein by this reference thereto.

98. The conspiracy not only included the Vatican, the appointed bishops of the DIOCESE, both current and past, but also the Vicar Generals and other priests assigned by each respective Bishop to receive complaints from child abuse survivors, interview victims, or their parents, interview the accused cleric or employee dealing with immoral, evil and harmful conduct involving children. Each had a duty and responsibility to members of the parish and the flock of the diocese to report those who would do harm to children to police, district attorneys, and charge child welfare authorities. All failed to take such action. All permitted these child predators to remain in the clerical state or employment, thereby creating foreseeable risk to the children each child predator came into contact with through their assignments.

99. The Vatican received laicization petitions and other information directly from Dioceses throughout the United States containing information about priests known to be child molesters, but nevertheless chose not to implement procedures to protect children, to notify police, district attorneys or child welfare authorities. This decision or directive was known to each diocese within Pennsylvania and indeed the United States, and its bishops, including DIOCESAN DEFENDANTS.

100. The uniformity of how each diocese in Pennsylvania handled child sex abuse claims as revealed in the Grand Jury Report could not possibly have occurred were it not for a conspiratorial agreement among each diocese, and each bishop, both current and past, to shield this information from authorities who could investigate and prosecute these child predators, and their protectors, as well as from parishioners and the public.

101. The conspiracy included an agreement made by all Pennsylvania dioceses, indeed dioceses across the United States, and all bishops, including the DIOCESAN DEFENDANTS to purposefully withhold information about known child predator clerics who left the ministry voluntarily or through laicization proceedings and went onto other employment or volunteer positions involving children; instead of sharing this information with unsuspecting employers, schools and organizations, and police authorities.

102. The conspiracy included Dioceses and bishops sharing information about known

child abusing clerics with other dioceses and bishops and agreeing to quietly accept these predator priests into their dioceses, without informing parishioners of the risk to children wherever they went within the parish.

103. Following the release of the Grand Jury Report, Pope Francis issued a public statement on or about August 20, 2018, regarding the child sexual abuse crisis within the Roman Catholic Church, stating: The Church "must acknowledge our past sins and mistakes". Further stating: "We showed no care for the little ones, we abandoned them." This statement was an admission of the complicity of the Vatican in protecting those that prey upon children.

104. Pope Francis in his February, 2019 speech at the Vatican at the global meeting on the child sex abuse crisis within the Church stated:

"An effort will be made to make past mistakes opportunities for eliminating this scourge, not only from the body of the Church but also from that of society."

105. The GJR revealed a letter confirming the conspiracy to conceal knowledge of the child sexual abuse crisis within the Roman Catholic Church. Specifically, Bishop Joseph Adamec's confidential letter to Bishop Trautman of the Diocese of Erie, dated January 31, 1994. A copy of the letter was sent to every bishop in Pennsylvania and the Vatican's representative. The letter discussed the high-profile case of Hutchison v Luddy, Bishop James Hogan, and the Diocese of Altoona-Johnstown, et al, and the "steps he had taken to protect the secret archives" (Report pgs. 105 to 107). Bishop Adamec, then Bishop of the Diocese of Altoona-Johnstown went onto state that the Diocese and its Bishop acted appropriately and thoroughly in each case of alleged pedophilia. (Report pg. 107). A copy of said letter is marked Exhibit "A", attached hereto, and by this reference incorporated herein. This letter confirms the sharing of information among the bishops in Pennsylvania dioceses and the Vatican dealing with strategy regarding the "secret archives" of the church and litigation involving pedophile priests.

106. The GJR reveals the Bishop and the Diocese of Altoona-Johnstown were aware at the time the aforesaid letter was written that the Diocese's records confirmed the sexual offenses against children committed by Father Francis Luddy and numerous priests that had molested children. (Report pgs. 105 & 106).

107. The public denials of responsibility for the immoral and sexually abusive crimes

against children was a part of the conspiracy of all the Dioceses in Pennsylvania, indeed all of the Dioceses across the United States, with the blessing of various Popes and officials of the Vatican, to conceal the complicity of all the aforesaid parties and permitting the cover-up of crimes against children and the protection of child predators within the Church.

108. Were it not for the successful and continuing conspiracy of all the aforesaid parties; police departments, child welfare authorities and district attorneys in Pennsylvania would have been able to criminally prosecute those responsible for the irreparable harm against children, including the Plaintiff.

109. Were it not for the successful and continuing conspiracy of all the aforesaid parties, Plaintiff and hundreds and likely thousands of child sexual abuse survivors would have timely filed civil actions to pursue claims against those responsible for their physical and emotional injuries, in most cases that have lasted nearly a lifetime.

110. DIOCESAN DEFENDANTS, and each of the aforementioned retired bishops, conspired to conceal their knowledge of the problem of pedophilia within the DIOCESE including the history of sexual misconduct of STEWART prior to his abusive acts against Plaintiff and thereafter, thereby exposing Plaintiff and other children to foreseeable harm.

111. As a direct result of the conspiracy over a period of decades among Defendants, retired Bishops of the DIOCESE, and Vatican officials to conceal pertinent information about the general problem of pedophile priests and employees within the DIOCESE, and remaining silent when they had a duty to speak, Plaintiff's parents would never have allowed STEWART to have unsupervised access to Plaintiff.

112. The conspiracy to protect STEWART, seminarians, priests, teachers, and nuns known to have a sexual interest in children, and conceal their knowledge, was and is a continuing conspiracy.

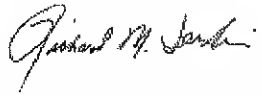
113. Due to the continuing conspiracy of DIOCESAN DEFENDANTS as herein alleged, Plaintiff sustained the injuries and damages enumerated above.

WHEREFORE, Plaintiff seeks compensatory damages against Defendants jointly and severally in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs. Plaintiff further seeks punitive damages as a result of the intentional, willful, outrageous, reckless and deliberately indifferent conduct of

Defendants, jeopardizing the health, safety and welfare of children and parishioners in general and the Plaintiff in particular.

A Jury Trial is hereby demanded.

JANET, JANET & SUGGS

By: 
Attorney for Plaintiff
Supreme Court ID #19957

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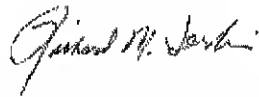
DATE: October 10, 2019

NOTICE TO PLEAD

TO: DIOCESE OF HARRISBURG, BISHOP KEVIN C. RHOADES, and BISHOP RONALD W. GAINER

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE ATTACHED COMPLAINT WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF, OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

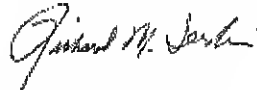
JANET, JANET & SUGGS



Attorney for Plaintiff
Supreme Court ID #19957

A JURY TRIAL IS HEREBY DEMANDED.

JANET, JANET & SUGGS



Attorney for Plaintiff
Supreme Court #19957

DATE: October 10, 2019

EXHIBIT "A"



Diocese of Altoona-Johnstown

Office of The Bishop
Box 126 Logan Boulevard
Hollidaysburg, PA 16648

January 31, 1994

CONFIDENTIAL

His Excellency
The Most Reverend Donald W. Trautman
Bishop of Erie
205 W. 8th Street
Erie, PA 16501

Dear Don:

I write to inform you that jury selection begins today in the civil case of Michael Hutchinson versus Francis Luddy, Bishop James Hogan, et al (which includes the Diocese of Altoona-Johnstown). The case is being heard by Judge Hiram Carpenter in Blair County. The allegation is that the Reverend Francis Luddy sexually molested the plaintiff (which he denies) and that the Diocese was negligent in protecting potential victims in this and other cases of alleged pedophilic behavior on the part of its priests (which we deny).

The court has ordered (and, we have complied) that the Diocese produce documents and information of any and all allegations of pedophilia relating to our priests between 1967 and 1984. This includes documentation which was in the Secret Archives. I refused to comply in the latter matter until it became evident that the Diocese could suffer sanctions and would lose its insurance coverage for non-compliance.

We have placed a number of motions before the Judge. These include the following: a - bifurcation (requiring plaintiff to first prove its case against Luddy and receive jury's verdict before expanding its litigation to other priests), b - sequestering of the jury (due to expected publicity), c - motion in limine (to exclude from trial allegations of child molestation against any other priest), and d - motion to time bar (given the statutes of limitations). However, all of these motions have been denied.

Defense for the Diocese continues to be provided by our underwriter insurance companies through the Pittsburgh firm of Meyer, Darragh, Buckler, Behanek and Eck; being represented by Attorney Carl Eck and Attorney Julie Sweeney. Attorneys of both the United States Catholic Conference and the Pennsylvania Catholic Conference have been kept informed.

A "gag order" continues to be in place, preventing plaintiffs or defendants from speaking with the mass media. However, this was recently

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[Pennsylvania Bishops RE Luddy Case; 1/31/94]

breached; even though, not by us. This may or may not change when the trial begins.

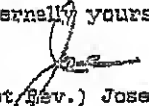
The Presbyteral Council is unanimously supportive of the Diocesan position that no offer of settlement should even be considered. It is our position that the Diocese and its Bishop acted appropriately and thoroughly in each case of alleged pedophilia. Last Thursday, I met with the Presbyterate and Diaconate of this Diocesan Church in order to bring them up-to-date. I sensed the same support there, as well.

It would appear to me, given the facts of this case and the procedures allowed the attorney for the plaintiff, that this is another effort to discredit the Church. We have been viewing our situation within the context of our faith journey and are putting forth every effort to approach the matter in a positive way.

Please remember us in your conversations with the Lord.

May the gift of the Holy Spirit be a source of strength for you during 1994, bringing with it peace and joy for your journey to the Kingdom.

Fraternally yours in the Lord,


(Most Rev.) Joseph V. Adamec
Bishop of Altoona-Johnstown

SAME: Apostolic Pro-Nuncio
Pennsylvania Bishops

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Adamec's Letter Regarding Child Sexual Abuse Litigation

VERIFICATION

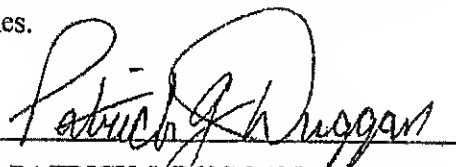
STATE OF PA

SS:

COUNTY OF Dauphin

I, PATRICK J. DUGGAN, hereby state that I am the Plaintiff in the above and foregoing action; further I state that the facts set forth in the COMPLAINT to which this Verification is attached, are true to the best of my knowledge, information and belief.

I understand that my statements are made subject to 18 Pa.C.S. §4904 providing for criminal penalties for unsworn falsification to authorities.


PATRICK J. DUGGAN

DATE: 2 October 19

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: RICHARD M. SERBIN, ESQ.

Signature: 

Name: RICHARD M. SERBIN, ESQ.

Attorney No. (if applicable): 19957